

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

RLI INSURANCE COMPANY	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
GRAND POINTE CONDOMINIUM	)	
OWNERS ASSOCIATION; GRAND	)	
POINTE, LLC; CENTURY CONSTRUCTION	)	No. 1:05-CV-157
OF TENNESSEE, LLC, a Tennessee	)	
Limited Liability Company; CENTURY	)	Judge Curtis L. Collier
CONSTRUCTION OF TENNESSEE, LLC,	)	
an Alabama Limited Liability Company;	)	
CLIFFORD BYRD HARBOUR, III; ROBERT	)	
H. CHANDLER; SOUTHERN CENTURY,	)	
LLC; and CEMC IV, L.P.,	)	
	)	
Defendants.	)	

**ORDER**

On December 13, 2005 Plaintiff RLI Insurance Company filed a motion for summary judgment (Court File No. 28). Instead of responding, the above captioned Defendants filed a “Motion to Strike, For a Stay or in the Alternative for Additional Time to Answer” (Court File No. 34). On January 25, 2006 the Court consolidated this case with case No. 1:05-cv-161 (Court File No. 44). Then, on February 7, 2006 the Court stayed this case until June 30, 2006 (*See* Lead Case No. 1:05-cv-161, Court File No. 38). Due to these previously mentioned changes in the posture of the case, the Court believes the best and most efficient course of action is to deny the pending motion for summary judgment and allow Plaintiff, if it so chooses, to refile a motion for summary

judgment after the stay is lifted. Accordingly, the Court hereby **DENIES** Plaintiff's motion for summary judgment (Court File No. 28) **WITHOUT PREJUDICE**.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**